

Appl. No. 10/776,717

Docket No. 1232-5283

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and following remarks.

Claim Status

Claims 1-13, 15 and 17 are pending and stand rejected. By this paper, claims 1 and 9 are canceled without prejudice or disclaimer, and claims 2-4, 6-8, 10, 11, 15 and 17 are amended. No new matter has been introduced.

Claim Rejection/Objections

Claims 1-5, 7-13, 15 and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 2005/0073663 to Miyajima ("Miyajima"). Claim 6 was rejected under 35 U.S.C. § 103(a) as being obvious over Miyajima in view of U.S. 2001/0013925 to Loopstra et al. ("Loopstra"). Claim 9 is also objected to for stated informalities.

Applicant respectfully disagrees with the characterization of the cited references and of the claims in the above rejections and believes that the claims as pending are patentably distinct from the art of record. Applicant respectfully traverses the stated rejections.

Nonetheless, Applicant has herein amended independent claims 2, 15 and 17 to clarify the claimed invention. The invention as recited in the claims presented herein is believed to be patentably distinct over the art of record in this case for at least the following reasons.

In addition, Applicant has herein canceled claims 1 and 9 without prejudice or disclaimer, rendering the objections and/or rejections as to these claims moot. Accordingly Applicant respectfully requests that the rejections and/or objections to claims 1 and 9 be withdrawn.

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The optical element of claim 2 is characterized "wherein a hole is formed in the rear surface; and a cooling mechanism, located in the hole" (characteristic A). The optical element of claim 2 can efficiently cool the reflecting surface even if the base needs a certain thickness because of the rigidity of the material of the base, and can reduce the deformation of the optical element (effect A) by adopting the characteristic A.

On the other hand, Miyajima does not disclose or suggest at least characteristic A, and cannot achieve the effect A.

Thus, claim 2 is not anticipated or rendered obvious by Miyajima.

Independent claims 15 and 17 are believed to be patentably distinct from Miyajima for at least similar reasons.

Dependent Claims

Applicant has not independently addressed the rejections of the dependent claims because Applicant submits that, as the independent claims 2, 15 and 17 from which the dependent claims depend are allowable for at least those reasons discussed supra, the dependent claims are allowable for at least similar reasons. Applicant however, reserves the right to address such rejections should such be necessary.

Accordingly, for at least the foregoing stated reasons, independent claims 2, 15 and 17 and the claims dependent therefrom, are believed to be neither taught or suggested, and therefore neither anticipated by nor rendered obvious in view of, Miyajima and/or any of the other references of record taken alone or in combination.

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CONCLUSION

In view of the foregoing, Applicant respectfully submits that all claims as presented herein are allowable over the art of record and that the application is hereby placed in condition for allowance which action is respectfully requested.

A Petition for a one month Extension of Time is filed concurrently herewith, extending the due date for responding to April 8, 2006. Applicant believes no additional fees are required for this Amendment and that the petitioned extension of time is sufficient for its filing. If, however, an additional extension of time is necessary to render this filing timely, such is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-5283.

In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: March 11, 2006

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